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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,172	05/03/2001	Jeffrey Allen Jones	AUS920010021US1	7655
35525	7590	05/17/2004	EXAMINER	
DUKE W. YEE CARSTENS, YEE & CAHOON, L.L.P. P.O. BOX 802334 DALLAS, TX 75380			YIGDALL, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2122	

DATE MAILED: 05/17/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/848,172	JONES ET AL. 	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael J. Yigdall	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 May 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-19 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 06 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. Claims 1-19 are pending and have been examined. The priority date considered for the application is 3 May 2001.

### *Specification*

2. The abstract of the disclosure is objected to because the abstract must not exceed 150 words. Correction is required. See MPEP § 608.01(b).

### *Claim Objections*

3. Claim 1 is objected to because of the following informalities: The phrase “to resolve unresolved component” recited in lines 5 and 6 of the claim should likely be replaced with --to resolve an unresolved component--. Appropriate correction is required. The claim has been interpreted assuming this correction to be made.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.  
  
5. Claims 6, 7, 11 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6 and 11 recite the limitation “wherein loading the module comprises” in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claims. The parent claims (claims 5 and 10, respectively) recite, for example, resolving an unresolved module, loading an

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application, resolving a component, and resolving a pending import requirement. Claims 5 and 10 do not recite, specifically, "loading a module."

Claims 7 and 12 are dependent upon claims 6 and 11, respectively, and are therefore indefinite for at least the same reasons.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,542,167 to Darlet et al. (hereinafter "Darlet").

With respect to claim 1, Darlet discloses a module for use with an application program for use in a data processing system (see the title and abstract), the module comprising:

(a) an export/import list (see column 3, line 64 to column 4, line 7, which shows a list of symbols defining entry points into a module, i.e. an export list, and column 4, lines 39-53, which shows a list of external symbol references, i.e. an import list); and

(b) a loader helper function, wherein the loader helper function is callable by a loader to resolve an unresolved component (see column 6, lines 35-49, which shows a procedure, i.e. a

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helper function, for resolving unresolved symbols or components during linking, and column 3, lines 10-22, which shows that linking may comprise loading).

With respect to claim 2, Darlet further discloses the limitation wherein the export/import list includes at least one of an imported function and an exported function (see column 3, line 64 to column 4, line 7, which shows that the list includes a function that may be called, i.e. an exported function that may be imported, and column 4, lines 39-53, which shows an external symbol reference, i.e. an imported symbol or function).

With respect to claim 3, Darlet further discloses the limitation wherein the unresolved component is an unresolved module (see column 6, lines 35-49, which shows resolving unresolved symbols, and column 3, line 64 to column 4, line 7, which shows that the unresolved symbols are defined in a module, i.e. an unresolved module).

With respect to claim 4, Darlet further discloses the limitation wherein the unresolved component is an unresolved export (see column 6, lines 35-49, which shows resolving unresolved symbols, and column 3, line 64 to column 4, line 7, which shows that the unresolved symbols define entry points, i.e. unresolved exports).

With respect to claim 5, Darlet discloses a method for resolving an unresolved module required by a loader in loading an application (see the title and abstract, and column 2, lines 52-65), the method comprising:

- (a) determining that a component is unresolvable by the loader (see column 5, lines 36-49, which shows determining that a symbol or component cannot be resolved);

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(b) calling a loader helper function to resolve the component (see column 6, lines 35-49, which shows a procedure, i.e. a helper function, for resolving unresolved symbols or components during linking, and column 3, lines 10-22, which shows that linking may comprise loading); and

(c) responsive to the loader helper function resolving the component, using the component to resolve a pending import requirement (see column 6, lines 50-67, which shows using the resolved symbol or component definition to resolve a pending reference, i.e. a pending import requirement).

With respect to claim 6, Darlet further discloses the limitation wherein loading the module comprises, responsive to a determination that the component is unresolvable by the loader helper function, calling a loader helper function in another module to aid in resolving the component (see column 6, lines 8-26, which shows aiding in the resolution of the symbol or component by retrieving symbol definitions established by other modules, i.e. from the helper function in association with the other modules; see also column 5, line 66 to column 6, line 7, which further shows reference data for each module that imports a symbol or component).

With respect to claim 7, Darlet further discloses, responsive to the loader helper function in another module resolving the component, using the component to resolve a pending import requirement (see column 6, lines 50-67, which shows using the resolved symbol or component definition to resolve a pending reference, i.e. a pending import requirement).

With respect to claim 8, Darlet further discloses the limitation wherein the component is a module (see column 6, lines 35-49, which shows resolving unresolved symbols, and column 3, line 64 to column 4, line 7, which shows that the symbols are defined in a module).

With respect to claim 9, Darlet further discloses the limitation wherein the component is an export (see column 6, lines 35-49, which shows resolving unresolved symbols, and column 3, line 64 to column 4, line 7, which shows that the symbols define entry points, i.e. exports).

With respect to claim 10, the recited limitations are analogous to those of claim 5. See the explanation for claim 5 set forth above. Note that Darlet further discloses a computer program product in a computer readable media for use in a data processing system comprising instructions for performing the recited method (see column 2, line 66 to column 3, line 50).

With respect to claim 11, see the explanation for claim 6 set forth above.

With respect to claim 12, see the explanation for claim 7 set forth above.

With respect to claim 13, see the explanation for claim 8 set forth above.

With respect to claim 14, see the explanation for claim 9 set forth above.

With respect to claim 15, the recited limitations are analogous to those of claim 5. See the explanation for claim 5 set forth above. Note that Darlet further discloses a system for performing the recited method (see column 2, lines 17-25).

With respect to claim 16, see the explanation for claim 6 set forth above.

With respect to claim 17, see the explanation for claim 7 set forth above.

With respect to claim 18, see the explanation for claim 8 set forth above.

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With respect to claim 19, see the explanation for claim 9 set forth above.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Pat. No. 5,812,848 to Cohen discloses a system for resolving service requests to dynamically linked modules comprising import and export data. U.S. Pat. No. 5,495,612 to Hirayama et al. discloses a system for resolving unresolved external references in load modules.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Yigdall whose telephone number is (703) 305-0352. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael J. Yigdall  
Examiner  
Art Unit 2122

mjy  
May 4, 2004

**WEI Y. ZHEN**  
**PRIMARY PATENT EXAMINER**

